

1 Exhibits: 171-188

Volume 1, Pages 1-155

2 UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF MASSACHUSETTS

4 Civil Action No. 03-10164-RWZ

5
6 THE TRAVELERS INDEMNITY COMPANY
7 OF ILLINOIS a/s/o PATCO
8 CORPORATION,

9 Plaintiff

10 v.

11 WOLVERINE (MASSACHUSETTS)
12 CORPORATION,

13 Defendant

14 DEPOSITION OF WILLIAM B. WILBUR

15 Friday, November 14, 2003, 11:10 p.m.

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18 Boston, Massachusetts

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2 (Pages 2 to 5)

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<p>1 APPEARANCES: 2 Robinson & Cole, LLP 3 Danielle Andrews Long, Esq. 4 One Boston Place 5 Boston, Massachusetts 02108-4404 6 617.557.5934 Fax: 617.557.5999 7 email: dlong@rc.com 8 for Plaintiff 9 10 Smith & Duggan, LLP 11 Matthew J. Walko, Esq. 12 Two Center Plaza 13 Boston, Massachusetts 02108-1906 14 617.248.1900 Fax: 617.248.9320 15 email: MJWalko@SmithDuggan.com 16 for Defendant 17 18 19 20 21 22 23 24</p>	<p>2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p>1 PROCEEDINGS 2 MR. WALKO: The parties have stipulated 3 that all objections except for the form of the 4 question or for privilege are reserved until time of 5 trial. 6 MS. LONG: That's fine. 7 WILLIAM B. WILBUR, sworn 8 BY MR. WALKO: 9 Q. Mr. Wilbur, please state your name for the 10 record. 11 A. William B. Wilbur. 12 Q. And what's your date of birth, sir? 13 A. November 4, 1950. 14 Q. And how did you get involved in the tape 15 manufacturing business? 16 A. The company was a family-owned company. At 17 the time that I graduated from college I came back 18 home and got involved in the business. 19 Q. So right after college, you went back into 20 the family business? 21 A. Correct. 22 Q. And what was your undergraduate school? 23 A. Marquette University. 24 Q. And what was your major in?</p>	<p>3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p>1 Q. What was your father's name? 2 A. First name is Sinclair, S-i-n-c-l-a-i-r, 3 middle initial F, as in Frank, Wilbur. 4 Q. And how did Sinclair Wilbur get involved in 5 the pressure-sensitive tape business? 6 A. He became acquainted, I believe, somewhere 7 in the range of 1962 with a gentleman named Walter 8 Connolly, and Walter's background was in sales of 9 chemicals, for a company I can't remember, and vinyl 10 films, I believe, and he recognized an opportunity 11 for the sale of vinyl electrical tapes; and my 12 father, having a background in engineering, 13 designing high-temperature furnaces and things of 14 that nature, decided to go into, initially a 15 partnership with Walter, which lasted for 16 approximately two years, and that company was 17 dissolved because there were disagreements; Walter 18 not holding up his end of the marketing/sales end of 19 it. It was decided through a proceeding that my 20 father would maintain ownership of the equipment and 21 he re-formed the company under the name of Patco. 22 Q. I'm curious. Where did the name Patco come 23 from? 24 A. Plastic adhesive tape company.</p>

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<p>1 Q. So Sinclair Wilbur after this proceeding 2 ended up with the equipment. What was the principal 3 equipment that was used back at that time around 4 1965?</p> <p>5 A. It was a machine that would apply adhesive 6 to the film, dry it, wind it up into what is 7 commonly called log rolls, wide-width rolls, and 8 subsequently cut it down into narrower-width rolls 9 of tape.</p> <p>10 Q. The cutting-down part, is that known in the 11 industry as slitting?</p> <p>12 A. Correct.</p> <p>13 Q. And the machine that would cure the 14 adhesive, is there a name in the industry for that 15 kind of machine?</p> <p>16 A. It goes under various names.</p> <p>17 Q. And what are those?</p> <p>18 A. It could be called an oven or a dryer.</p> <p>19 Q. What was the heat source in that original 20 dryer?</p> <p>21 A. The heat source would have been, I think, a 22 natural-gas-fired combustion chamber.</p> <p>23 Q. When you graduated from Marquette -- 24 A. Correct.</p>	<p>6</p> <p>1 remember which, and he worked for them for several 2 years learning the heat-treating business as a 3 design engineer, I believe; and he and two other 4 individuals, when that business went out of 5 business, decided to form the company that became 6 Sargeant & Wilbur in approximately 1937.</p> <p>7 Q. So your father was involved in the Sargeant 8 & Wilbur Company for about 25 years before he 9 started up Patco?</p> <p>10 A. OK.</p> <p>11 Q. Is that so?</p> <p>12 A. I'm not doing the math.</p> <p>13 Q. From 1937 to 1965, how many years would 14 that be?</p> <p>15 A. 25, 27.</p> <p>16 Q. Who were the other two individuals he 17 started Sargeant & Wilbur with?</p> <p>18 A. One was George and Irving Sergeant.</p> <p>19 Q. Are they brothers?</p> <p>20 A. As far as I know, yes.</p> <p>21 Q. And what exactly was involved in, when you 22 describe industrial heat-treating equipment, what is 23 heat-treating equipment?</p> <p>24 A. It is high-temperature furnaces that are</p>
<p>1 Q. -- you came back to the Patco Company to 2 work in some capacity?</p> <p>3 A. Yes.</p> <p>4 Q. And how did you start out?</p> <p>5 A. I started out primarily as a glorified 6 clerk, purchasing agent, helping my brother, 7 primarily, who was actively involved in the business 8 in a sales capacity.</p> <p>9 Q. And what was your brother's name?</p> <p>10 A. Edward S. Wilbur.</p> <p>11 Q. Was Sinclair Wilbur at that time involved 12 in any other businesses?</p> <p>13 A. Yes. He owned and managed the Sargeant, 14 S-a-r-g-e-a-n-t, and Wilbur, W-i-l-b-u-r 15 Incorporated business, which is a manufacturer of 16 industrial heat-treating equipment.</p> <p>17 Q. How did Sinclair Wilbur get involved in 18 Sargeant & Wilbur?</p> <p>19 A. He worked when he got out of -- not right 20 away out of college. He graduated from college in 21 1933, and during the depression there weren't many 22 jobs, so I think his first experience in the 23 engineering field was with a company called Schrum 24 Engineering or Schrum Heat Treating, I can't</p>	<p>7</p> <p>1 used to heat-treat metals to relieve stresses in the 2 metals so that they will perform without cracking, I 3 would say for lack of a better word, under normal 4 everyday use.</p> <p>5 Q. I've heard the phrase "tempering." Is that 6 sort of a tempered metal?</p> <p>7 A. Similar, yes. There are several different 8 processes, but that is the most generic and most 9 direct.</p> <p>10 Q. And where was the facility located when 11 Patco first started operations?</p> <p>12 A. In Pawtucket, Rhode Island.</p> <p>13 Q. Do you remember the address?</p> <p>14 A. 180 Weeden, W-e-e-d-e-n, Street.</p> <p>15 Q. And in the 1960s, where was Sargeant & 16 Wilbur located?</p> <p>17 A. Same location, different floor.</p> <p>18 Q. Who was the manufacturer of the oven that 19 Patco first used when it opened?</p> <p>20 A. Sargeant & Wilbur.</p> <p>21 Q. After you started working for Patco, I 22 assume you advanced beyond the clerk stage. What 23 was the progress over time of the different 24 positions you assumed at Patco?</p>

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1 A. It primarily consisted of my brother and
 2 myself. My father was not involved in the day-to-
 3 day activities. For lack of a better term, a very
 4 general manager type position, with my brother being
 5 the vice president, primarily of sales and marketing
 6 efforts. Up until -- now, the chronology that
 7 you're asking for is from what date to what date?

8 Q. Who was the general manager that you were
 9 referring to? Was it your brother Edward Wilbur or
 10 yourself?

11 A. When?

12 Q. Let's do it this way. From 1965 to 1970,
 13 what positions did you hold at Patco?

14 A. None.

15 Q. From 1970 to 1975, what positions did you
 16 hold at Patco?

17 A. I started in 1973 in -- let's see. I
 18 graduated in May, so probably June, as I said, kind
 19 of a clerk type to start, and as I learned more
 20 about the customers and the process, as I said, a
 21 very loosely defined general managerial type
 22 activity.

23 Q. From 1975 to 1980, did your position change
 24 at all?

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1 tape business -- that's a mild way of putting it --
 2 and preferred to let others run and manage the
 3 company. His was just an oversight type of position
 4 where he would receive financial information and
 5 things of that nature. That was about the extent of
 6 it up until the time that I took control of the
 7 company, I believe in 1989 through 1990.

8 Q. When you took control of the company, were
 9 there other officers involved in the company at that
 10 point or did you assume all of the officer titles?

11 A. At that time I assumed the operational --
 12 let's say officer titles of president and treasurer;
 13 the secretary of the company was our attorney at the
 14 time.

15 Q. And who was that?

16 A. A gentleman named Raymond J. McMahon, M-c-
 17 M-a-h-o-n.

18 Q. When you first started working in 1973, how
 19 many ovens did Patco use in its manufacturing
 20 process?

21 A. One.

22 Q. And who was the manufacturer of that oven?

23 A. Sargeant & Wilbur.

24 Q. How big was that machine?

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1 A. It changed dramatically. As a result of my
 2 brother passing away in 1978, I started for the most
 3 part to run the company. I'm not sure when specific
 4 titles kicked in. I can't give that information. I
 5 just continued to operate the business and had --
 6 what other question do you have?

7 Q. Did you become president of Patco at some
 8 point in time?

9 A. At some point in time -- I can't remember
 10 the exact date. Maybe it was the mid to late '80s
 11 or somewhere in that range. I'm not sure.

12 Q. Who was the president of Patco prior to you
 13 assuming that position?

14 A. That would have been my father, Sinclair
 15 Wilbur.

16 Q. Was he still president of Patco at the time
 17 of your brother's death?

18 A. Yes.

19 Q. And after you assumed the presidency was
 20 Sinclair Wilbur involved in Patco in any respect?

21 A. No.

22 Q. Did he retire or pass away? What was the
 23 reason for the change?

24 A. He never really had a great liking for the

13

1 A. Approximately 40 feet in length.

2 Q. And what was the heat source?

3 A. As I mentioned earlier in one of your
 4 initial questions, it was a natural-gas-fired
 5 combustion chamber.

6 Q. To your knowledge, was it the same machine
 7 that had been in place when the Patco Company
 8 started up?

9 A. It may have been one generation removed.
 10 They integrated some portions of the operation.
 11 There was a need at the time to separately prime the
 12 film on one coating line and put the adhesive on on
 13 another coating line. And then they put the priming
 14 station in line with the main oven, and that was a
 15 very small unit. A very short-duration run. All it
 16 does is allow the adhesive to anchor itself properly
 17 to the film on the side that it's coated so that
 18 when you unwind it the adhesive doesn't transfer to
 19 the opposite side.

20 Q. And the priming machine, who was the
 21 manufacturer of that machine?

22 A. Sargeant & Wilbur.

23 Q. Now, you described the machine that was in
 24 place when you first came on board in 1973. Did you

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<p>1 ever get a different oven for the manufacturing line 2 at Patco there in Pawtucket? 3 A. No. 4 Q. How long did Patco make tape at the Weeden 5 Street facility in Pawtucket? 6 A. Well, 1965, and we moved across the street 7 to 211 Weeden Street in 1975 or '76 and just 8 transferred the equipment that we had into that 9 location. 10 Q. And did Patco move to any other locations 11 after that switch to 211 Weeden Street? 12 A. Well, there was one other -- one other 13 location where -- actually, I think it was even 14 prior to that switch where they were still at 180 15 Weeden Street where we moved the slitting equipment 16 to a separate location for a time because we were 17 running out of space. I can't remember how long we 18 were there. It was a very short period of time. 19 Q. As far as the operations at 211 Weeden 20 Street were concerned, when the move was made there, 21 was the slitting machine, the oven and the priming 22 machine all a part of the process line? How did 23 that work? 24 A. Well, I will answer your question in a way</p>	<p>14 1 Q. So who made it originally prior to the 2 retrofitting that oven? 3 A. Who made that oven? 4 Q. Yes. 5 A. Sargeant & Wilbur. 6 Q. Do you recall when they made that? 7 A. It was over quite a, quite a stretch of 8 time, because there was no sense of urgency to 9 building it. It kind of was dictated by our ability 10 to pay for certain parts over a number of years, and 11 that was a project that my father was directly 12 involved in. There was nobody else really at 13 Sargeant & Wilbur beyond him that really understood 14 the tape business to any great degree. Their focus 15 is and always was the high-temperature furnace 16 business. 17 That particular machine had initially 18 been built to make in the industry what is called 19 label stock. It used primarily water-based 20 adhesives and maybe some solvent-based adhesives and 21 would be coated by a different method and wound in a 22 different way that we'd never done before. 23 Well, the problem is that the market 24 that had started to develop for those products</p>
<p>1 that I think will satisfy you. What I think you're 2 trying to say is was all the equipment in one 3 location? 4 Q. Yes. 5 A. None of those particular pieces of 6 machinery are integrated other than the coating 7 head, the dryer or oven and the rewind station. 8 Those are the integral parts of the coating line. 9 The slitting equipment is wholly separate and, yes, 10 to answer the question, as I understand it, it was 11 all in one location. 12 Q. And Patco made tape at 211 Weeden Street 13 until about when? 14 A. Until we -- well, we moved to Bristol in 15 1990 or '91, I can't remember which, and initially 16 had our converting operations running down there. 17 We set up an oven that had been built while we were 18 up at Weeden Street, but it had never been used, 19 down in Bristol. And that took us quite a while to 20 get up and running because we had to do a tremendous 21 amount of retrofitting to that machine since it was 22 going to not be used for its original purpose but be 23 retrofitted to accommodate its use to produce the 24 same types of products that we did at Weeden Street.</p>	<p>15 1 quickly evaporated and our ability to compete 2 effectively really was -- it didn't really make 3 sense for us to keep pursuing the building of that 4 machine for that purpose. So, in effect, it was 5 mothballed there and just sat there until I made the 6 decision to move to Bristol. 7 And then we needed a new machine but we 8 couldn't afford the downtime, so I decided to move 9 that machine down to Bristol and do all of the 10 retrofits that were necessary, as I said before, to 11 make it perform like the machine that was currently 12 producing products in Pawtucket. And, beyond that, 13 I'm going to let you ask another question, because 14 I'm sure you have one. 15 Q. When your father started getting involved 16 in the making of this, I'll call it a tape label 17 machine. Is that right? 18 A. No. You would call it an adhesive coating 19 line. 20 Q. An adhesive coating line machine. Where 21 was it being built? 22 A. It was being -- now, define "built." 23 Q. The final dimensions of this adhesive 24 coating machine were what?</p>

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1 A. Approximately 90- to 100-some-odd feet long
 2 when you put all of the components together.

3 Q. About how high?

4 A. It varied in height, depending on where you
 5 were standing at any particular point along the
 6 coating line. Most of them vary. At its highest
 7 point I'd say maybe 12 feet.

8 Q. And how wide?

9 A. Well, the working width of material being
 10 processed through the oven was designed to be about
 11 60 inches.

12 Q. It was wider than the material at least 60
 13 inches wide?

14 A. Yes.

15 Q. So this large -- this large machine when
 16 compiled, I assume had to be in some particular
 17 place for a while, and in order to build it, it
 18 would have had to have been built in some location.
 19 That's sort of what I'm getting at. Was it built in
 20 the Patco facility? Was it built at Sargeant &
 21 Wilbur? Was it built at some third location? Do
 22 you recall?

23 A. It would have been, to put a definition to
 24 it, fabricated at Sargeant & Wilbur and assembled at

1 Q. Do you recall if it came in crates or some
 2 kind of packaging or was it just large pieces of
 3 machinery?

4 A. It would have been delivered by a common
 5 carrier, I imagine, of some sort, a truck, that
 6 would deliver it to the loading dock and be
 7 offloaded by the people working at Patco.

8 Q. How far away was Sargeant & Wilbur at that
 9 time? Were they still across the street?

10 A. No. They had moved in a new facility.

11 Q. Where was that?

12 A. Over on the other side of Pawtucket. I
 13 can't remember the exact street address. I believe
 14 it's Montecello Road or Street.

15 Q. Did your father ever include you in
 16 discussions about the different features of that
 17 machine and what Patco would need for that label
 18 market it was hoping to sell in?

19 A. Well, that would be part of the discussion.
 20 He was interested, obviously, in the types of
 21 materials that would be processed through there, and
 22 what type of heat profiles would be necessary in
 23 order to dry the materials properly, and what types
 24 of speeds we were trying to accomplish and things of

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21

1 the Patco Corporation.

2 Q. Patco was paying for this fabrication over
 3 time. Is that so?

4 A. Correct.

5 Q. And would Sargeant & Wilbur deliver sort of
 6 packets of the machine to the 211 Weeden Street
 7 location? How did it that work?

8 A. It depended entirely on their floor space
 9 needs at Sargeant & Wilbur. If they were getting
 10 cramped with all of the other jobs they were trying
 11 to do, they would deliver it piecemeal and just
 12 certain parts would be there, and then they would --
 13 let me think about this for a minute. It goes way
 14 back. I don't think they ever did a final assembly.
 15 I think it was just too long at Sargeant & Wilbur
 16 for the whole thing. I think it was piecemeal to
 17 Patco, but I'm not 100 percent sure on that.

18 Q. Do you recall, thinking back when this
 19 machine was delivered to Patco, was it delivered to
 20 the 211 Weeden Street location?

21 A. In piecemeal fashion, as we've discussed
 22 already.

23 Q. That's a yes?

24 A. Correct.

1 that nature.

2 Q. Do you recall if there were any plan
 3 drawings made for the manufacture of that machine?

4 A. There very well may have been. I'm sure
 5 there were at some point, but I am not in possession
 6 of them, and I would have no idea where they would
 7 be at this point, because as I said, the machine was
 8 radically retrofitted and it would not resemble, at
 9 all, the original piece of equipment that was
 10 designed by the time we were through retrofitting
 11 it, primarily to accommodate the use of the
 12 Wolverine thermal oxidizer.

13 Q. Do you recall if there were any control
 14 schematics associated with that original
 15 fabrication?

16 A. I'm sure there were, but, again, they are
 17 not any schematics that are in my possession or in
 18 the possession of anyone that I'm aware of, unless
 19 they're somewhere in Tyco's possession at this
 20 point. That I don't know. I don't know why those
 21 prints would still be there because they're not
 22 relevant.

23 Q. Who was in charge of the retrofitting of
 24 the machine?

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<p>1 A. In-house Patco personnel. 2 Q. Do you recall who their names were, what 3 their names were? 4 A. At the time one of my supervisors was 5 Frederick Whittle. Another gentleman's name was 6 Armand Coulombe. 7 Q. How do you spell that? 8 A. C-o-u-l-o-m-b-e. And a variety of shop 9 personnel that would assist. 10 Q. And what instruction did Mr. Whittle and 11 Mr. Coulombe have as to the retrofitting of that 12 machine? 13 A. Could you repeat the question? 14 Q. Sure. What instructions did Mr. Whittle 15 and Mr. Coulombe have as to the retrofitting of that 16 machine? 17 A. To the best of their ability to fashion it 18 in a way that would accommodate the production of 19 the same types of products that were being produced 20 on the coating machine that at the time was 21 currently in use at the 211 Weeden Street location. 22 Q. What familiarity did Mr. Whittle and Mr. 23 Coulombe have with the machine in use at the 211 24 Weeden Street location?</p>	<p>22</p> <p>1 process took? 2 A. Exactly, no. I'm going to say 3 approximately a year. It seemed to take us quite a 4 while just to strip it down, put in the components 5 that we wanted to improve upon and to get the drive 6 controls, set it up in a way that would integrate 7 all of the functions of the machine properly. 8 Q. Why did Patco make the move from 211 Weeden 9 Street to Bristol? 10 A. They found that it was time to enlarge the 11 facility. The location at 211 Weeden Street was 12 becoming crowded and cumbersome and difficult to 13 work in just from the floor space, materials flow, 14 and it allowed us to design a building that would 15 accommodate our concerns at the time and allow for 16 future expansion. 17 Q. And did Patco hire any architects or other 18 professionals to help design that building? 19 A. The building was built by a construction 20 firm named Anthony Nunes Incorporated located in 21 Bristol. 22 Q. And when did they start that construction? 23 A. Maybe August of 1990, maybe. I'm not 24 completely sure on that.</p>
<p>1 A. They had both been involved with operation 2 and repairs to that machine from time to time as was 3 necessary, so they were familiar with its basic 4 operation. 5 Q. Did they employ any millwrights or other 6 kinds of metal workers to make this retrofit? 7 A. I believe that most of the materials that 8 would have been used to retrofit were probably 9 fabricated at Sargeant & Wilbur, I think primarily 10 by Armand Coulombe, who had a background in mill 11 fabrication. 12 Q. Did Armand Coulombe ever work for Sargeant 13 & Wilbur? 14 A. He did. 15 Q. At the time he was doing this retrofitting, 16 which company was he working for? 17 A. Patco Corporation. 18 Q. And when he got the metal work done at 19 Sargeant & Wilbur, did he go over to their location 20 on the other side of Pawtucket or did he send over 21 plans or how did that work? 22 A. He would go there for the most part and do 23 the work himself. 24 Q. Do you recall how long this retrofitting</p>	<p>23</p> <p>1 Q. And Patco purchased the real estate? 2 A. Correct. 3 Q. And the 211 Weeden Street, was that owned 4 by Patco or leased? 5 A. Leased. 6 Q. Now, prior to the building of the Bristol 7 facility, say in the 1989, '90 time frame back at 8 the 211 Weeden Street facility, what type of 9 ventilation system did Patco have in place for its 10 coating line? 11 A. Define ventilation system. 12 Q. Did the coating line at Patco in the 13 Pawtucket Weeden Street facility produce fumes? 14 A. The machine itself did not produce fumes. 15 The materials that were used to produce the products 16 produced fumes. The oven was used to dry the 17 adhesive and that as a matter of course would cause 18 fumes to be exhausted out of the oven out into the 19 atmosphere. 20 Q. And what ventilation system was in place to 21 perform that function? 22 A. It was an exhaust blower. 23 Q. And how was that exhaust blower controlled 24 in Pawtucket?</p>

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1 A. I believe it was a straightforward -- I'm
 2 trying to think of the correct term -- switch.
 3 There was nothing exotic about that particular part.

4 Q. And the adhesives that produced the fumes,
 5 were these fumes volatile organic compounds?

6 A. They are classified as that, yes. VOCs.

7 Q. And what hazards were associated with those
 8 VOCs during that 1985 time frame in that process you
 9 described?

10 A. Define "hazards."

11 Q. Around 1989 you were the president of
 12 Patco, correct?

13 A. Correct.

14 Q. And you'd been working there since 1973?

15 A. Correct.

16 Q. Did you have an appreciation in 1989 of the
 17 hazards that were associated with the manufacture of
 18 pressure-sensitive adhesive tapes?

19 MS. LONG: Objection.

20 A. I had an appreciation for the hazards that
 21 could result if they were not handled properly.

22 Q. And what were those?

23 A. Anything that would cause an over-
 24 concentration of the vapors to collect or an

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1 they are not being exhausted, that could cause a
 2 situation where if there was a spark or some event
 3 like that to occur, there could be a fire.

4 Q. And the machine that was in use at that
 5 time, the heat source, was that still the natural
 6 gas?

7 A. Yes.

8 Q. So what precautions did you as the
 9 president of Patco at that time take to insure that
 10 there wasn't an overconcentration situation and some
 11 ignition?

12 A. Primarily to ensure that the exhaust fan
 13 was always running when that machine was in
 14 operation.

15 Q. And you appreciated that was essential to
 16 deal with this hazard that you appreciated?

17 A. Yes.

18 Q. And how exactly did Patco at that time,
 19 back in 1989, go about making sure that happened?

20 A. As I said, it was a situation where the
 21 exhaust fan would be put on as a matter of course in
 22 the operation of the machine, and as such, the
 23 machine would not be operated unless the exhaust fan
 24 was operating.

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1 adhesive spill in a given area and things like that
 2 that are common with any flammable liquid, such as
 3 the gasoline that is used to fill up your car, which
 4 is a volatile organic compound.

5 Q. So the adhesives that were used at Patco in
 6 the Pawtucket facility, they were flammable?

7 A. Yes.

8 Q. And were the fumes that came off of them
 9 flammable as well?

10 A. Fumes of and by themselves aren't
 11 flammable. They can be ignited in a certain
 12 situation, if there was a static spark or something
 13 to ignite them.

14 Q. But the fumes could burn under those
 15 circumstances you described?

16 A. It could.

17 Q. And you knew that in 1989 when you were the
 18 president of Patco?

19 A. Yes.

20 Q. So you mentioned the two hazards,
 21 overconcentration and an adhesive spill. What was
 22 hazardous about an overconcentration situation?

23 A. I think, as in any case, if you have an
 24 overconcentration of VOCs in a confined area and

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1 Q. And that was Patco policy?

2 A. That was commonsense operational policy.

3 Q. So did Patco train its employees to make
 4 sure that that commonsense operational policy was
 5 implemented during a manufacturing process?

6 A. Yes.

7 Q. Do you have any background in electrical
 8 engineering?

9 A. None.

10 Q. Have you ever --

11 A. Have I ever taken any courses?

12 Q. Yes.

13 A. Yes.

14 Q. Could you tell me about those?

15 A. No. I'll tell you why, because it was a
 16 very long time ago. In 1974 I took some -- maybe
 17 basic electrical courses at Roger Williams College
 18 in the evening along with physics, statistics and
 19 dynamics, and at the time I was interested in
 20 possibly switching from a career with Patco to one
 21 with Sargeant & Wilbur and being an engineer, and at
 22 the time my brother passed away, all of that
 23 disappeared, so I stopped my studies at that point
 24 and concentrated on the tape business.

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<p>1 Q. Between the time of your brother's death 2 and the time that you became officially the 3 president of Patco, what were your principal duties 4 for the company?</p> <p>5 A. Primarily oversight of production and sales 6 management. Oversight of payables and general 7 accounting procedures. It was a very small 8 operation, so there were not a lot of people 9 involved. You wore a lot of hats. But my main 10 drive was looking for new opportunities, new 11 products that we could produce has always been my 12 main thrust, research and development. New products 13 to go after niche markets where we could realize our 14 potential and within the capabilities of the small 15 company that we were.</p> <p>16 Q. When did you first start becoming involved 17 in this research and development for Patco?</p> <p>18 A. 1976 or '77, somewhere in there.</p> <p>19 Q. And what kind of things did you do in order 20 to do research and development?</p> <p>21 A. Ordering different samples of adhesive 22 systems and trying different combinations of those 23 adhesive systems to see if I could get the 24 properties that a customer was interested in</p>	<p>30</p> <p>1 A. No. 2 Q. The building of the shell of the Bristol 3 facility, was that relatively quick? 4 A. It was. The shell went up -- it's a 5 typical metal building. There's not a lot to it. 6 It's like an erector set, so it went fairly quickly 7 after it had been graded and the foundation had been 8 poured, which I believe was in August or September 9 of 1990.</p> <p>10 Q. Did the Clean Air Act Amendments of 1990 11 have anything to do with the opening, or the plant 12 opening in the Bristol facility?</p> <p>13 A. No, they didn't have any impact on it. 14 Actually, I was under the impression that we could 15 move the existing equipment from 211 Weeden Street 16 to Bristol and operate under the same emissions 17 umbrella that we had. There was no need in 18 Pawtucket for a pollution control device because we 19 had an emissions cap, so for that reason I thought, 20 as long as we were in the state, we were all set, 21 but I found out very quickly as soon as you put one 22 foot outside the door of 211 Weeden Street you were 23 subject to the new regulations which required a 24 pollution control device to be installed, and that's</p>
<p>1 obtaining in terms of degree of adhesion or lack of 2 adhesion or moveability characteristics.</p> <p>3 Q. So you were involved in experimentation?</p> <p>4 A. Yes.</p> <p>5 Q. Did anyone at the company assist you in 6 that research and development?</p> <p>7 A. No, not really. I was for the most part 8 self-taught.</p> <p>9 Q. Did Patco develop a library of materials, 10 industry type materials to help in that research and 11 development effort?</p> <p>12 A. Very basic, any type of material 13 publication that you would get from a vendor 14 describing their raw materials and what its 15 properties were, but for the most part, they were 16 generic in nature and were never really identifying 17 the types of areas that I was interested in using 18 them. I was just aware of some of their 19 functionality characteristics and how they might 20 apply themselves to being compounded in an adhesive 21 system that would allow me to achieve the desired 22 properties that I was looking for.</p> <p>23 Q. Did you ever patent any processes or 24 procedures?</p>	<p>31</p> <p>1 when we got involved with Wolverine and tried to 2 fast-track getting that piece of equipment 3 integrated into the retrofitting that we were doing 4 on the old Sargeant & Wilbur oven.</p> <p>5 Q. Had Patco already bought the real estate 6 when you learned that new information?</p> <p>7 A. I think so, yeah. That didn't really have 8 any -- it just meant that additional funds were 9 going to have to be spent to get that particular 10 coating line up and running. In the scheme of 11 things, the main thrust was to give us more 12 capacity, more floor space, and the ability to grow 13 the business. That's the primary reason for the 14 move.</p> <p>15 Q. What were the first functions that were 16 transferred from the Pawtucket facility to the 17 Bristol facility?</p> <p>18 A. The -- what they commonly referred to as 19 the converting department, which involved all of the 20 slitting equipment that would take the wide-width 21 rolls of tape and cut them into smaller rolls.</p> <p>22 Q. Were the office staff, were they 23 transferred over to the new facility?</p> <p>24 A. Correct.</p>

10 (Pages 34 to 37)

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1 Q. Did they come over with the converting
2 department?

3 A. Roughly, roughly at the same time. I can't
4 remember who was there first. It was within a
5 relatively compact space of time.

6 Q. Did your office move over to the Bristol
7 facility with the converting department or did you
8 just split your time between the two?

9 A. I primarily worked out of the Bristol
10 office and would from time to time go back and forth
11 to the Weeden Street facility where the coating was
12 being done to check on the progress and make sure
13 that they were producing the products that we needed
14 to fill the orders.

15 Q. At that time after you had moved your
16 office over to Bristol but the coating department
17 was still operating in Pawtucket, who was in charge
18 at Pawtucket when you were in Bristol?

19 A. It depended. There were -- I can't
20 remember who the coating operators were. We would
21 typically have a three- or a four-man crew. And
22 whoever the individuals were, I can't remember.
23 There would be a lead coating supervisor or foreman
24 and then he would have two or three people working

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1 was just fine.

2 Q. At the time that the converting department
3 came over to Bristol and the coating department was
4 still in Pawtucket, how many shifts was the coating
5 department running?

6 A. In Pawtucket?

7 Q. In Pawtucket.

8 A. I believe it was one. They would maybe
9 extend it. Traditionally it would be eight hours,
10 is the typical shift. Sometimes they were ten
11 hours, maybe twelve. That's about the extent of it.
12 It was one-shift operation, as I remember it.

13 Q. Do you know William Plunkett?

14 A. Yes, I know William Plunkett.

15 Q. How did you come to know him?

16 A. I came to know him through Pat Connors, who
17 gave me his resume that had been mailed in to Patco
18 because he was at the time looking for a job.

19 Q. After you saw his resume, what was your
20 reaction?

21 A. Based on the information I think that I saw
22 there, I thought it was worthwhile to speak with
23 him, have a cursory conversation, and invite him
24 down to the facility so we could get a feel for what

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1 with him. Sometimes he would be part of the
2 operation operating the coating head or the rewind
3 end or he would be just floating back and forth
4 making sure things were operating correctly, staging
5 materials and things of that nature.

6 Q. What was Fred Whittle's role at that time
7 during this transaction?

8 A. Fred Whittle was one of the first
9 individuals down in the Bristol facility helping
10 with the retrofit of the old -- well, the -- what do
11 we call it? The mothballed coating line that had to
12 be retrofit. He was involved in that process for
13 the most part, and kind of would come up to
14 Pawtucket as necessary to solve any problems that
15 the coating line guys couldn't figure out.

16 Q. What were Patco's plans for the machine
17 that was -- the oven machine that was still in
18 Pawtucket?

19 A. Oh, disassemble and just dispose of it. It
20 wasn't, it wasn't worth moving and it needed way too
21 much work in order to operate it. So running -- the
22 idea of running two lines down in Bristol didn't
23 make any sense because we didn't -- we weren't in an
24 overcapacity situation, so the one new coating line

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1 his expertise was. And he showed a very good
2 aptitude for organizational skills and inventory
3 matters, purchasing matters, materials planning,
4 resource management. Quite a lot of areas where we
5 had been lacking discipline. And he brought a sense
6 of structure and discipline to that operation.

7 Q. Do you recall what the job was he was first
8 hired for at Patco?

9 A. For lack of a better term, I might call it
10 an operations manager, maybe purchasing -- yeah,
11 purchasing. Purchasing manager/operations. I think
12 the operations came after the purchasing. He had to
13 learn and come up to speed, primarily on all of the
14 different materials that we use, which were
15 different, obviously, than the operation he had been
16 previously involved in, but he did that very quickly
17 and came to realize what types of controls and what
18 types of methods to put into place to organize our
19 inventory and production items, so...

20 Q. So Mr. Plunkett begins his work at Patco in
21 the purchasing -- with a purchasing emphasis. Do
22 you recall if there was still this manufacturing of
23 the tape going on in Pawtucket at the time he was
24 first hired?

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1 A. Yes, because he used to go up there and he 2 would check out what the inventory was on specific 3 items and what was being run and produced and what 4 the needs were to fill orders in the converting 5 department in Bristol. Kind of generally oversee 6 that things were being done as they should be. 7 Q. When you or Patco learned that there was 8 going to be this pollution control device 9 requirement for the Bristol facility, how did you go 10 about learning more about what Patco had to do to 11 make that happen?		1 oven that was being put in place in Bristol. As I 2 said, it was going to accommodate about a six-inch- 3 wide web, and I think the widest that that coating 4 head down in Pawtucket could handle was about 47 5 inches wide, so it really didn't make any sense. 6 Q. And do you recall if Patco purchased this 7 coating head from Wolverine prior to the discussion 8 about the thermal oxidizer? 9 A. I don't remember. I do not remember. 10 Q. What do you recall about the meeting 11 with -- that first meeting with Mr. McVay at the 12 Department of Environmental Management and what 13 would be required of Patco in order to begin 14 operations in Bristol?	
12 A. Well, there was information that was 13 provided to me, I think by the DEM, Department of 14 Environmental Management, Air and Hazardous 15 Materials Division, or something, a gentleman named 16 Doug McVay, and he was the contact that we used that 17 Eric Long from Wolverine had meetings with, and I 18 think we actually both went up there to meet him at 19 some point and discuss how we were going to approach 20 this thing and what the timelines were and what he 21 needed to see in order to approve the process. 22 Q. When you say you "went up to meet him," do 23 you mean Doug McVay at his office or Mr. Long at his 24 office?		15 A. Very little. I was relying primarily -- I 16 was there as the Patco representative, let's say, 17 and the reason for having Eric Long there was I was 18 using him, in effect, as our engineering staff. I'm 19 not an engineer. I don't pretend to be an engineer. 20 So I needed his expertise to explain to Mr. McVay 21 whatever it was we needed to do in order to get the 22 permits we needed to start an operation down there. 23 Q. Did you have any conversations with Mr. 24 Long about the type of manufacturing that you	
	39		41
1 A. Doug McVay at his office. Eric Long came 2 down -- I don't know if he met me at McVay's office 3 and came down to Bristol and then we went up to 4 McVay's office in Providence. 5 Q. Had Patco, to your memory, used Wolverine 6 as a supplier of machinery at some point prior to 7 that? 8 A. No. 9 Q. Did Wolverine supply a coating device to 10 Patco? 11 A. Define "coating device." 12 Q. A rollover roll coater? 13 A. Yes. We bought for the Bristol facility a 14 new coating head, which you identified as the 15 rollover roll coater, from Wolverine, and I believe 16 it came through Wolverine, but Wolverine had 17 acquired a company, I think called American Tooling 18 Machine, ATM, and I don't know if it was them that 19 made the coating head or Wolverine. I'm not sure 20 about that. 21 Q. What was wrong with the coating head at 22 Pawtucket? Why not just use that one again? 23 A. That needed repair, a lot of retrofitting, 24 and it wasn't wide enough to accommodate the new	1 intended to engage in at the Bristol facility? 2 A. Yes. I think he had -- again, I'm not 3 sure. I would tend to think that is -- let me put 4 it this way: I'm not sure of this, but he may have 5 been invited to come up and may have seen the 211 6 Weeden Street operation so he could get an idea of 7 how the material worked through the system, and 8 based on that, he would have a better understanding 9 of how things were produced; but, again, I'm not 10 sure if he ever saw that. He may have just seen the 11 retrofit in process down in Bristol, and I think at 12 that point we may have been trying to get the drive 13 controls down. 14 And what that means is the -- in order 15 to get the web to go through the coating head and go 16 through the drying oven and then go into the windup 17 required separate speed controls on the motors that 18 were used, and that was, that was done by a company 19 called -- I think it was Warner, Warner Controls. I 20 don't know. That's all I really remember. Fred 21 Whittle was I think more involved in talking with 22 those guys about how to do it because he was more 23 familiar on how the system had been working down 24 in -- well, up in Pawtucket.		

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1 Q. Now, the rewind portion of the coating line
 2 in the Bristol facility, how was that made?

3 A. Well, it was a retrofit again by -- there
 4 had been the original rewind/laminator which only
 5 meant that two rolls pressed together. That was
 6 going to be part of that original piece of equipment
 7 that was the mothballed coating line, and that was
 8 structurally redesigned to be retrofitted into a
 9 fashion that closely approximated the Weeden Street
 10 operation.

11 Q. And who was involved in that retrofit?

12 A. Again, that was primarily Fred Whittle and
 13 Armand Coulombe.

14 Q. What happened to the rewind machine in
 15 Pawtucket?

16 A. Just so we're clear on this, the coating
 17 head, the oven, the rewind, all parts of that
 18 particular machine were disassembled and scrapped,
 19 to the best of my knowledge. Although an addendum
 20 to that might be, we may have kept -- I don't know
 21 if we kept actually the coating head for a while
 22 down in Bristol and just mothballed it in the back
 23 room in case we needed the rollers or the vacuum
 24 belt or something of that nature. That sticks in my

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 1 exhaust hood, and that would have been exhausted out
 2 separately from the main exhaust in the oven out
 3 into the atmosphere.

4 Q. Did that exhaust hood have a blower
 5 associated with it?

6 A. Yes. Well, it would have needed to in
 7 order to be exhausting. It wasn't gravity exhaust;
 8 it was pulled out by a blower, kind of like on a
 9 stove, I'm thinking that you would imagine there.

10 Q. On that exhaust hood device in Pawtucket,
 11 how was that controlled?

12 A. By the same kind of on/off switch type of
 13 thing. I don't remember the control sequence.

14 Q. Do you recall if there was any safety
 15 function that that exhaust hood was serving at the
 16 Pawtucket facility?

17 A. Well, the primary safety function would be
 18 to exhaust whatever fumes were gathering at the
 19 coating head to the best of its ability to do so.

20 Q. I guess, why bother? What's the danger?

21 A. I guess it's an operator comfort level, you
 22 know, to exhaust those fumes away from the immediate
 23 coating head area while he's working there.

24 Q. Did that exhaust hood dissipate this

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1 mind for some reason, but I'm vague on that.

2 Q. Was there a separate enclosure in Pawtucket
 3 in which the coating head was placed that was
 4 separate from the facility itself back in 1989?

5 A. No. The coating head was -- the coating
 6 line was over on one side of the building and the
 7 converting/slitting was, and packaging was done on
 8 the other side of the building. The coating area
 9 was open, with the exception of the area where the
 10 material came out of the coating head and went onto
 11 the conveyor belt that went into the oven, and that
 12 was semi-enclosed with sheet metal and flexible
 13 vinyl strips, kind of like that you put up on a
 14 loading dock door, to contain the amount of VOCs
 15 that were flashed off during the period before it
 16 actually went into the oven. And since there was a
 17 negative pressure at that point, those VOCs were
 18 pulled into the oven for the most part.

19 Q. And in the Pawtucket facility, aside from
 20 that negative pressure that was pulling the flashoff
 21 VOCs into the oven in the area you described, was
 22 there some other ventilation control for the fumes
 23 that were produced in that area?

24 A. I think over the coating head there was an

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 1 concentration phenomenon that you described earlier?

2 A. What I described earlier, and I believe
 3 what your question was, alluded to under what
 4 situation VOCs would pose a problem of causing a
 5 fire or explosion, and to the extent that exhaust
 6 hood was regulating a very small amount of adhesive
 7 that was actually on the bank, an adhesive bank
 8 where it was being applied, there was a very small
 9 danger of there being a problem. Plus, they had, I
 10 think, a dry chemical system in place there that, if
 11 there was a fire of any sort, that it would put it
 12 out.

13 Q. And that dry chemical system was a fire
 14 suppression back in Pawtucket?

15 A. Correct.

16 Q. During the retrofitting process and the
 17 building of the Bristol facility, did there come a
 18 time when you became aware that the Bristol facility
 19 needed to have a separate coating room?

20 A. That was something that I always thought
 21 would be to the benefit of the operation and also by
 22 virtue of the requirements of the DEM as it was
 23 expressed in setting up this new facility, I think
 24 that there had to be either a partial enclosure or a

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<p>1 total enclosure, and those, or the type of enclosure 2 was defined by the rate at which the VOCs or air was 3 pulled into the enclosure and into the oven. I'm 4 really digging now.</p> <p>5 Q. A long time ago, obviously. 6 A. Yes.</p> <p>7 Q. Do you recall if the design of that coating 8 room was part of the construction services that the 9 Anthony Nunes Company provided to Patco?</p> <p>10 A. They would have done the fabrication of it, 11 but it would not be of their design only because I 12 would have directed them as to how it should be 13 configured and put together, and I'm not sure if 14 they did the whole thing, or I think we did part of 15 it, actually.</p> <p>16 Q. How did Patco learn of how the coating room 17 should be configured?</p> <p>18 A. I think common sense. Again, also industry 19 literature. There really wasn't a lot available 20 about total enclosures that I was aware of at the 21 time. So at the time, best of our ability, we 22 configured it in a manner that would accommodate the 23 regulations that were required and also the ability 24 of the personnel to work effectively within that</p>	<p>46</p> <p>1 A. No. Just looking through magazines, 2 primarily Converting Magazine, and there were some 3 other trade publications that showed coating lines, 4 we would try to get an idea. Ours was so different, 5 our coating method, than most that are used in the 6 industry that it's pretty much virtually impossible 7 to find anything that looked like it. Most coating 8 operations will do roll-to-roll coating where they 9 take one big roll and rewind the whole roll at the 10 other end. And it's all under tension, so they can 11 put the components fairly close together, where ours 12 has to be spread out a little bit because of these 13 free tension zones, so there's no stress on the web, 14 or else it would break.</p> <p>15 Q. What's a web? 16 A. What's a web? 17 Q. Yes. 18 A. In our vernacular, it would be any 19 substrate that you are applying a coating to and 20 putting it through a drying oven for purposes of 21 turning it into a product that a customer is 22 interested in purchasing from you.</p> <p>23 Q. So it's the back of the tape? 24 A. Yeah, that's one definition.</p>
<p>1 enclosure.</p> <p>2 Q. Were the regulations federal and state 3 regulations?</p> <p>4 A. They were primarily state regulations, but 5 I believe that the federal -- how did that work if 6 the federal regulations -- again, I'm going way 7 back. And I think at that point in time Rhode 8 Island was ahead of the curve in terms of 9 catching -- in terms of being ahead of what the 10 federal regulations were requiring in terms of new 11 coating equipment and stuff. But I'm not sure about 12 that. So it was -- we relied on Doug McVay and the 13 Rhode Island Department of Environmental Management 14 to tell us how to do -- because they were the entity 15 that was going to allow us to operate down there by 16 virtue of issuing a permit, so they were the ones we 17 had to satisfy. And the EPA, I think, as long as 18 Rhode Island identified us and gave us a permit, 19 then the EPA by default would allow us to operate. 20 Again, I'm just not completely clear on that one.</p> <p>21 Q. And you mentioned that there wasn't much 22 information out there about how to construct the 23 coating room but tried to find some industry 24 literature. Is that fair?</p>	<p>47</p> <p>1 Q. The free tension zones, if one were to look 2 at the line, what would these free tension zones 3 look like?</p> <p>4 A. It would look like a U, a loop. Imagine 5 holding a sock in your hands and bringing your hands 6 together. The sock, unless it's got a lot of starch 7 in it, is going to droop down like this, so that's 8 exactly what would happen in this free tension zone. 9 We'd take the stress out of the sock while it's 10 being transferred from the coating head through the 11 conveyor belt to the oven, out of the oven and into 12 the rewind area.</p> <p>13 Q. Was there a free tension zone on each side 14 of the oven?</p> <p>15 A. Yes.</p> <p>16 Q. How would the web be drawn through the 17 length of the oven?</p> <p>18 A. It was conveyed through the length of the 19 oven on a conveyor belt.</p> <p>20 Q. In the Bristol facility, do you recall what 21 that conveyor belt was made out of?</p> <p>22 A. I believe it was some type of polyester/ 23 cotton blend. Sorry, it sounds like a shirt, but 24 that's what it was. I believe in Pawtucket it had</p>

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<p style="text-align: right;">50</p> <p>1 been primarily cotton, but we wanted to get a little 2 bit higher temperature profile in Bristol to run 3 some different products, so we went to this next 4 step up, which was this polyester/cotton blend. 5 That's all I can remember about it.</p> <p>6 Q. Some kind of fabric weave. It wasn't metal 7 or anything like that?</p> <p>8 A. No. It was all -- it was a belt, you know, 9 like a cotton/polyester woven product.</p> <p>10 Q. It wasn't rubber?</p> <p>11 A. No.</p> <p>12 Q. In the Bristol facility, how was the speed 13 of that conveyor belt regulated?</p> <p>14 A. It was part of that Warner Controls 15 mechanism that I mentioned to you previously that 16 was integrated with the other components, so I'm not 17 sure how it worked. I just know that it did perform 18 the function that we wanted it to.</p> <p>19 MR. WALKO: We'll go off the record. 20 (Lunch recess)</p> <p>21 AFTERNOON SESSION</p> <p>22 MR. WALKO: Let's go back on the record.</p> <p>23 Q. As the Bristol facility was opening up in 24 the early 1990s, we discussed how the coater room</p>	<p style="text-align: right;">52</p> <p>1 A. Yes. 2 Q. -- or below? 3 A. They were above. 4 Q. Why were they above? 5 A. Because they would have been considered 6 non-explosion-proof. 7 Q. And why was that important? 8 A. Because you're working in an environment 9 that has VOCs and, as previously stated, the 10 possibility of some mechanical or electrical spark 11 could cause them to become a fire or cause an 12 explosion of some sort. 13 Q. When you designed that room, Patco had an 14 appreciation that there was a potential fire/ 15 explosion danger in the process taking place at that 16 location? 17 A. Yes. 18 Q. Were there any other safety features that 19 were designed in that coater room with that fire 20 hazard in mind? 21 A. There was a fire suppression system. The 22 motors were all wired to be explosion-proof. I 23 don't know if there were two or just one motor. 24 There was the main drive motor for the coating head,</p>
<p>51</p> <p>1 was something that was unique to the process that 2 you were going to employ there. Do you recall any 3 special features that you wanted installed in that 4 coater room at the start back in the early 1990s 5 period?</p> <p>6 A. I don't think there was anything overly 7 specific, just that it be operator-friendly and a 8 safe environment and meet the requirements as they 9 were set out by the DEM.</p> <p>10 Q. What kind of ceiling was first installed in 11 the coater room?</p> <p>12 A. I think it was, I think it was 13 polycarbonate; I think it was Lexan, was the trade 14 name on it.</p> <p>15 Q. Could you see through it?</p> <p>16 A. Yes. Yes, I think -- right. It had to be 17 a total enclosure. We used the fact that it was a 18 total enclosure with the Lexan. It was clear and it 19 allowed the fluorescent lighting on the outside to 20 shine through so the operator could perform in an 21 illuminated area that would not inhibit his ability 22 to perform his functions.</p> <p>23 Q. Were those fluorescent lights above the 24 Lexan ceiling --</p>	<p style="text-align: right;">53</p> <p>1 which I think worked in concert with the vacuum 2 belt, which pulled the web through the coating head 3 and brought it into the conveyor belt, and the 4 static eliminators that were I think mounted at the 5 coating head, and before or during, in that loop 6 area where it would enter the oven, that's the way I 7 remember it.</p> <p>8 Q. Could you describe for me what this vacuum 9 belt was and what function it served?</p> <p>10 A. It served to pull the web, which we've 11 already defined, down through the coating head and 12 bring it into the loop, which we've already defined, 13 and deposit it onto the conveyor belt which carried 14 the web through the oven.</p> <p>15 Q. How did the vacuum feature come into play?</p> <p>16 A. Explain, clarify.</p> <p>17 Q. You called it a vacuum belt.</p> <p>18 A. Yes.</p> <p>19 Q. I assume that vacuum is the adjective for 20 belt that's describing the type of belt. What's the 21 function?</p> <p>22 A. The function is to pull the web through the 23 coating head oven by itself. There's a top roller 24 and a bottom roller. The web goes up, is in contact</p>

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1 in Pawtucket need a pollution control device?
 2 A. It didn't. That would have been for that
 3 particular unit that ended up going down to Bristol.
 4 Q. So what was the plan regarding the unit at
 5 that -- at the time you communicated with --
 6 A. At this time, we were slowly but surely
 7 going through the process of seeing if we could make
 8 something that would satisfy the requirements for a
 9 pollution control device at that facility, and then
 10 the decision was made to move to Bristol, and at
 11 that time I couldn't wait to make sure that this
 12 particular type of equipment that he intended to
 13 build and had gone through the process of submitting
 14 prints and calculations to DEM would work in a time
 15 frame that would allow us to get on line quickly, so
 16 we just never went forward.

17 Q. At the time you communicated, Patco
 18 communicated with the Rhode Island Division of Air
 19 and Hazardous Materials in October of 1989, did
 20 Patco have an understanding that if it were to run
 21 this -- the mothballed machine, that it would need a
 22 pollution control device in order to do so?

23 A. If we were going to run solvents through
 24 it, yes.

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1 Q. So was the thought to have, then, two lines
 2 running in Pawtucket?
 3 A. You know, at the time it was, it wasn't on
 4 the front burner. It was something that if we can
 5 get this thing to a point where it's working and it
 6 can take over production for the old coating line,
 7 which was on its last legs, as I already mentioned,
 8 then we would have done what we ended up doing by
 9 moving to Bristol, getting rid of the old coater and
 10 keeping the new coater up there and running with the
 11 pollution control equipment. That was a long-range
 12 project, like that whole coating line was. It
 13 wasn't that I kept pushing and pushing and needed to
 14 get up and running. We were going through the
 15 approval and everything that was necessary, if we
 16 decided to go ahead, which we never did.

17 Q. Did you have an understanding back at that
 18 time, back in 1989, that the grandfather provisions
 19 that allowed the Pawtucket facility to operate
 20 without a pollution device were going to expire?

21 A. Yeah, but there was an agreement, I think,
 22 if I remember correctly, we were going to be allowed
 23 to continue operating under an emissions cap. They
 24 would put X amount of tons per year, and we couldn't

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1 go above that, and as we had been doing, we'd be
 2 filing -- I think it was yearly, or maybe they
 3 wanted to go to quarterly reports on the amount of
 4 emissions that we were sending up the stack.
 5 Q. Do you recall if Patco was classified as a
 6 major or a minor source polluter?
 7 A. Just by virtue of the amount we put out --
 8 I don't have any documentation, I don't have any
 9 reference that I can put my finger on, but we were
 10 small. I think we would have been classified as --
 11 what did you say?
 12 Q. A minor source?
 13 A. A minor source, just because there wasn't a
 14 lot being produced at that point, especially at that
 15 facility. There was only one shift. And like I
 16 said, maybe extended ten to twelve hours, if we
 17 needed it to be.
 18 Q. Now, you mentioned that your father was the
 19 one who was involved in designing this proposed
 20 thermal oxidizer?
 21 A. Yeah, actually some of it was constructed.
 22 It was reasonably far along, but it just -- we
 23 moth-balled it. It never got put together
 24 completely. I really don't know what happened to

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1 it.
 2 Q. And just so we're talking about the correct
 3 terminology, in the first sentence of Exhibit 172 it
 4 refers to a catalytic afterburner. So was this a
 5 catalytic oxidizer and not a thermal oxidizer?
 6 A. OK. Yeah. It would be a catalytic
 7 oxidizer, which would be allowed to operate at a
 8 lower temperature than 1400 degrees by virtue of the
 9 catalyst that is used, which, much like an
 10 automobile uses, I think platinum, some type of
 11 precious metal that would allow VOCs to be destroyed
 12 at a lower temperature.
 13 Q. So just like on your car you have a
 14 catalytic converter, this design of pollution
 15 control device had a catalyst involved with it to
 16 destroy the pollutants?
 17 A. Correct. And another problem that we kind
 18 of had after the -- looking at it more closely, was
 19 we were starting to get into different product mixes
 20 and, although it hadn't come to fruition at that
 21 particular point, if we had been running the
 22 silicone adhesives, we wouldn't have been able to
 23 run those type of adhesives with that unit because
 24 it would have poisoned the catalyst and rendered it

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	70		72
1 useless.		1 "Your application for the installation"...	
2 Q. When did Patco start to run the silicone		2 (Pause.)	
3 adhesives? Do you recall if it was still at		3 A. It could have been.	
4 Pawtucket or was it at Bristol?		4 MR. WALKO: What I'll do is mark them as	
5 A. No, it was in Bristol when the technology		5 four different documents so we'll keep them	
6 became available.		6 straight. I'll identify them for the record first	
7 Q. On page 2 of this document, paragraph		7 as WILB 254 through WILB 266, which we will split up	
8 number 6, it refers to a capture system. Do you see		8 into four different exhibits.	
9 that there?		9 (Marked, Exhibit 173, letter, 5 June	
10 A. It must have been some design that he had		10 1991.)	
11 in his mind for capturing the VOCs. I don't have		11 (Marked, Exhibit 174, application for	
12 any of those documents or prints or anything		12 approval of plans to construct.)	
13 regarding that, so I really can't tell you.		13 (Marked, Exhibit 175, application for	
14 Q. What that capture system was referring to?		14 approval of plans to construct.)	
15 A. What the capture system was, how it was		15 (Marked, Exhibit 176, Attachment 1.)	
16 designed or what it was intended to look like, I		16 Q. Now, showing you what has been marked as	
17 just don't know.		17 Exhibit 173, Exhibit 174, Exhibit 175, and Exhibit	
18 Q. There's a large paragraph that follows		18 176, which of those exhibits were the applications	
19 paragraph number 8. Just read that to yourself.		19 you were referring to?	
20 A. Just this paragraph?		20 A. It's 174 and 175. One thing I did notice	
21 Q. Yes.		21 down here that is very odd, though, is in Section C	
22 A. All right.		22 it says, "Are ovens used in process?" Yes. It	
23 Q. Does that refresh your recollection at all		23 says, "If yes, complete the following." "Direct-	
24 about the capture system?		24 fired, indirect-fired, fuel type, gas, the fuel type	
	71		73
1 A. No. What it looked like?		1 is gas, but it is not direct-fired; it was indirect-	
2 Q. No, refers to.		2 fired inasmuch as we used the feedback from the	
3 A. What it refers to?		3 Wolverine oxidizer, the hot air to heat up the oven.	
4 Q. Yes.		4 There was no direct -- although it initially had	
5 A. It refers to a total enclosure, it would		5 been designed that way, that's one of the retrofits	
6 seem, would be the type of design, because usually		6 we removed, because we were using the exhaust heat	
7 if they're going for 100 percent capture, it's		7 in the Wolverine oxidizer to feed back into the oven	
8 usually a total enclosure, the way I remember it.		8 to heat it up.	
9 Q. I'm going to show you a group of documents,		9 Q. That part of the application you were just	
10 and before we mark those as an exhibit, they were		10 discussing appears on Exhibit 174?	
11 produced with a paper clip on them. If you would		11 A. Yes.	
12 briefly flip through those documents and tell me if		12 Q. What's the date on Exhibit 174, date or	
13 they were supposed to be together or were supposed		13 dates associated with it?	
14 to be separated?		14 A. Well, there's a couple of dates on 174.	
15 A. I think just by virtue of -- they could be		15 There's a received date from the Division of Air and	
16 put together just for reference purposes. I think		16 Hazardous Materials of March 27, 1991, and then	
17 these are the original -- not the original. They're		17 there's other dates, so I don't know which date is	
18 not the original, but copies of the applications to		18 applicable.	
19 the DEM for the oxidizer and the coater. And then		19 Q. Is there a date on the exhibit such as at	
20 this is the letter where they issue the permits.		20 the back where a place for the signature appears? I	
21 Q. On this last sheet, it says Attachment 1.		21 don't know if there is. I'm just asking.	
22 Is that an attachment to the June 5, 1991 letter?		22 A. Yes. March 26, 1991.	
23 Take your time.		23 Q. Are there any dates associated with Exhibit	
24 A. No. Because what they're saying here is		24 175 in the same manner?	

20 (Pages 74 to 77)

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<p>74</p> <p>1 A. February 6, 1991. Yes. February 6, 1991 2 on 175. And in both cases, the approval dates from 3 the DEM are June 3rd, 1991. 4 Q. And what's the difference between the -- 5 well, first let's start with what's the title of the 6 preprinted form that was filled out, which is 7 Exhibit 174? 8 A. "Application for approval of plans to 9 construct, install or modify" -- excuse me, "or 10 modify process equipment." 11 Q. And is that the same title that appears on 12 the top of Exhibit 175? 13 A. No. 175 is "Application for approval of 14 plans to construct, install or modify air pollution 15 control equipment." 16 Q. So 175 has to do with air pollution control 17 equipment and 174 has to do with? 18 A. The coating line. You needed a separate 19 permit for each one. 20 Q. And 175, which was the air pollution 21 control device, that was a direct-fired device? 22 A. Yes. 23 Q. And that was the one that was sent in or 24 around February of 1991?</p>	<p>76</p> <p>1 A. Is June 5, 1991. 2 Q. And who signed that document? 3 A. Douglas McVay, principal quality engineer. 4 Q. And he worked for the state of Rhode 5 Island? 6 A. Yes. 7 Q. Is that the same individual you were 8 talking about before that you had that meeting with? 9 A. Yes. 10 Q. And there are two approval numbers 11 associated with that letter from Mr. McVay, are 12 there not? 13 A. Yes. 14 Q. And what are they? 15 A. 1116 and 1117. 16 Q. And those were the license numbers for the 17 operation at Bristol facility? 18 A. Yes. 19 Q. Was the letter from Mr. McVay dated June 5, 20 1991 important? 21 MS. LONG: Objection. You can answer. 22 A. Yes, because it gave us the ability to 23 begin to produce materials and to start working on, 24 I think there was a significant shakedown period</p>
<p>75</p> <p>1 A. February 6, 1991 is when I signed it. 2 That's the date there. 3 Q. And why did Patco have to submit these 4 forms to the Rhode Island Department of 5 Environmental -- 6 A. Division of Air and Hazardous Materials. 7 Q. Division of Air and Hazardous Materials? 8 A. In order to operate our coating line at our 9 Bristol location. 10 Q. And were those applications approved? 11 A. Yes. 12 Q. And taking a look at Exhibit 173, could you 13 tell me what that is? 14 A. It is a letter informing us that the 15 pressure-sensitive tape and surface coater utilizing 16 a thermal oxidizer afterburner at your 51 Ballou 17 Boulevard, Bristol facility has been reviewed and 18 approved. Approval numbers 1116 and 1117. Which 19 correlate to Exhibits 175 and 174. 20 Q. This letter, No. 173, is essentially the 21 letter informing you that you have been licensed to 22 do the things that you applied to do in 174 and 175? 23 A. Correct. 24 Q. And the date on Exhibit 173?</p>	<p>77</p> <p>1 before we actually got into full production on this 2 because it took a while to work the bugs out of 3 everything, and we had to additionally go through a 4 stack emissions test after we got the materials to 5 work properly through the coating line. So this was 6 the green light to start all of that process. 7 Q. So this essentially was the permit that 8 allowed you to make tape at Bristol? 9 A. Correct. 10 Q. And in the second paragraph of this letter 11 from Mr. McVay of the Division of Air and Hazardous 12 Materials, could you read the words of that 13 paragraph into the record, that one sentence. 14 A. I'm not sure which one you mean. 15 Q. This second paragraph. 16 A. "The design, construction and operation of 17 this coater and air pollution control system shall 18 be subject to the following conditions." 19 Q. And did you have an understanding that in 20 order to operate legally that Patco had to follow 21 the conditions set forth in this document, Exhibit 22 173? 23 A. Yes. 24 Q. And to your understanding, did you ensure</p>

24 (Pages 90 to 93)

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1 attached them to what they call job bags, and they
 2 have the individual jobs that are being run on a
 3 particular shift. It might have been done on a
 4 shift basis rather than a day basis. I don't know.

5 Q. Did you ever look at the machines that were
 6 in use at the Patco factory after receiving this
 7 permit from the Division of Air and Hazardous
 8 Materials to see whether there was some interlock
 9 equipment that was in place between the pressure-
 10 sensitive tape and surface coater and the
 11 afterburner temperature?

12 A. No.

13 Q. Do you know of anyone who worked for Patco
 14 who did?

15 A. No. Not that I'm aware of.

16 MR. WALKO: I'll have this marked as the
 17 next exhibit.

18 (Marked, Exhibit 177, schematic plan.)

19 Q. I'm going to show you first a document
 20 that's been previously marked in this case as
 21 Exhibit No. 77. It bears the title "Incinerator
 22 control cabinet electrical schematic" with an
 23 as-built date of 4/19/91. Mr. Wilbur, were you
 24 provided with plan drawings and schematics from the

1 not sure -- I'm not an electrician. We contracted
 2 with somebody, I can't remember who, to do the
 3 wiring, but I don't know what it -- hot air supply
 4 damper --

5 MS. LONG: Don't guess if you don't
 6 know.

7 A. I don't know.

8 Q. You recall that Patco hired somebody with
 9 electrical knowledge or knowledge to read electrical
 10 schematics in order to do the wiring for Patco?

11 A. Yes.

12 Q. I show you an exhibit that's been marked as
 13 71, and this is a document that was produced to us.
 14 First I ask you if you recognize it at all?

15 A. No.

16 Q. Does it appear to be a drawing of some
 17 type?

18 A. Yes.

19 Q. Towards the side of the drawing there is a
 20 name associated. Can you read that name?

21 A. Warner Control Techniques Systems Division.

22 Q. Previously in your testimony you mentioned
 23 you had a memory about Warner, Warner Controls. Is
 24 Warner Control Techniques Systems Division the

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1 Wolverine Corporation as part of the equipment that
 2 was sold to Patco?

3 A. Yes.

4 Q. And looking at Exhibit No. 77, do you see
 5 alongside of line 322 there's a feature that's
 6 labeled "Customer" interlock"?

7 A. Yes.

8 Q. And this is a poor copy. I show you
 9 another document that's been labeled as Exhibit 177,
 10 and show you next to line 322, it also says
 11 "Customer interlock"?

12 A. Yes.

13 Q. And directing your attention to Exhibit No.
 14 77, can you read the words that appear there?

15 A. No.

16 Q. Can you read -- it's just such a poor copy.
 17 That is what was produced to us. I'm going to show
 18 you Exhibit No. 177 and direct your attention to
 19 line 349. Running all the way over to the right, do
 20 you see where it says "Contact for customer's use"?

21 A. Yes.

22 Q. Do you know what this reference on line 322
 23 of Exhibit 177 and line 349 of Exhibit 177 refer to?

24 A. No. It obviously says "interlock," but I'm

1 company that Patco hired to do some control wiring?

2 A. Yes.

3 Q. And what do you recall about what they were
 4 hired to do?

5 A. Coordinate the speeds between the coating
 6 head, the oven conveyor, and the rewind. And Fred
 7 Whittle dealt with those people more than I did. I
 8 really didn't have any conversations. I know it
 9 took -- we had -- a great deal of the difficulty in
 10 getting this line going was in getting their system
 11 to work correctly, as I remember it.

12 Q. On Exhibit 71 are the free tension zones
 13 depicted in that picture at all?

14 A. Yes. Wherever there's the loop sensors,
 15 those are what control the free tension zones. It's
 16 out of scale, obviously, but here's where it's
 17 unwound. It goes to a coater. And they don't show
 18 the vacuum drawdown belt we've been discussing. And
 19 that's the mechanism that controls the speed
 20 between -- I can't remember how -- what these, if
 21 they -- one speed was slaved to another, and I'm not
 22 sure if it was the rewind that controlled the speed
 23 or the coating head that controlled the speed. I
 24 just don't remember.

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<p style="text-align: right;">94</p> <p>1 Q. And you were pointing to the document, but 2 over on the left-hand side it says "pay off"?</p> <p>3 A. Right.</p> <p>4 Q. And that would be at the feed end of the 5 machine?</p> <p>6 A. Correct.</p> <p>7 Q. And then on the right of the drawing it 8 says "Surface winder" and then "Center winder," and 9 is that at the exit end of the machine?</p> <p>10 A. Correct.</p> <p>11 Q. And there's small print associated with 12 this document. There's a box that's labeled 13 "Reference" and below that it says "Changes per 14 service." Do you see that?</p> <p>15 A. Yeah, I think so.</p> <p>16 Q. And the date, does it say 7/24/91?</p> <p>17 A. I don't see. Where is the date? I can't 18 tell. I can't read it. I'm sorry. I don't have my 19 glasses.</p> <p>20 MS. LONG: That's OK. It says what it 21 says.</p> <p>22 Q. There's another box. It says "Open by JJ, 23 9/10/90." Can you see that or is that too small?</p> <p>24 MS. LONG: If you can't see it, that's</p>	<p style="text-align: right;">96</p> <p>1 (Brief recess.)</p> <p>2 BY MR. WALKO:</p> <p>3 Q. Back on the record. Looking at page number 4 2 of Exhibit 173, the sixth paragraph, could you 5 read paragraph 6?</p> <p>6 A. "Afterburner temperature shall be 7 continuously monitored, indicated, and recorded."</p> <p>8 Q. What was the significance of that 9 condition?</p> <p>10 A. The significance of that condition was that 11 we would have a record of the temperature that the 12 thermal oxidizer was operating at for our own 13 internal records, but also in the event that the DEM 14 wanted to ensure that we were operating above 1400 15 degrees, they could come in and audit, I guess, it.</p> <p>16 Q. Do you recall if the DEM ever audited Patco 17 prior to the incident?</p> <p>18 A. No.</p> <p>19 Q. To the best of your knowledge, were those 20 temperature recordings kept by Patco?</p> <p>21 A. To the best of my knowledge, when I was 22 there, I know I told them that that was something 23 that was never to be destroyed; a record of those 24 was supposed to be kept, always.</p>
<p style="text-align: right;">95</p> <p>1 OK. Don't guess what it says.</p> <p>2 A. No.</p> <p>3 Q. There's a reference to how many sheets were 4 in the drawing. It says "Sheet 1 of," and it 5 appears to be another digit. Can you see that?</p> <p>6 A. No. I can see something, but I don't know 7 what digit it is.</p> <p>8 Q. This was produced by Travelers in one of 9 the depositions, and it was represented that this 10 was given to that Travelers witness. Do you ever 11 recall seeing other documents associated with Warner 12 Control Techniques Systems Division?</p> <p>13 A. No, they may have had them out in the 14 factory in the supervisor's office. You know, 15 anything relating to the machinery used to be out 16 there, as I remember it. But I didn't have it.</p> <p>17 Q. But this organization, you recall that they 18 were involved in wiring the controls that regulated 19 the conveyor and the process of the web through the 20 oven?</p> <p>21 A. Correct.</p> <p>22 Q. And they were hired by Patco directly?</p> <p>23 A. Yes.</p> <p>24 MR. WALKO: Let's go off the record.</p>	<p style="text-align: right;">97</p> <p>1 Q. Paragraph number 7, could you read that for 2 the record?</p> <p>3 A. "All access doors and windows in the 4 capture system shall be closed during routine 5 operation of the coater. Brief occasional openings 6 of such doors or windows to allow for adjustments of 7 the coater are acceptable."</p> <p>8 Q. What was the significance of that 9 condition?</p> <p>10 A. That was to ensure that no fugitive VOCs 11 would escape the total enclosure so you would not be 12 meeting the requirement of what they were 13 identifying as 100 percent captured.</p> <p>14 Q. Paragraph 8, could you read that?</p> <p>15 A. "Air passing through any openings in the 16 capture system shall flow into the enclosure 17 continuously."</p> <p>18 Q. And what was the significance of that?</p> <p>19 A. Again, they wanted, much as in number 7, 20 they wanted to ensure that no fugitive emissions 21 would escape from the total enclosure or the capture 22 system -- excuse me -- right, the capture system, 23 being the total enclosure, so there's always a 24 negative pressure and the negative pressure, being</p>

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<p>142</p> <p>1 that may have been at the end of their investigation 2 of looking at things, but I really can't remember 3 how many days they were there.</p> <p>4 Q. At that meeting that you recall having a 5 sitdown in your office when you had the jacket on, 6 what do you recall they told about what they had 7 learned?</p> <p>8 A. Like I said, very limited. We were just 9 describing the degree of destruction and what type 10 of events could have led up to that and would a 11 premature shutdown have created that type of 12 situation.</p> <p>13 Q. What do you recall about that aspect of the 14 conversation?</p> <p>15 A. Just sitting there and listening, you know, 16 to what they were saying.</p> <p>17 Q. So when you say there was discussion about 18 whether a premature shutdown would have caused the 19 situation, was that Travelers investigators telling 20 you and Mr. Plunkett or was it you and Mr. Plunkett 21 telling them?</p> <p>22 A. Again, I don't remember the context of the 23 conversation. I just remember going back and forth 24 about the situation as a whole. I can't give you</p>	<p>144</p> <p>1 to the incident have any particular problems during 2 the manufacturing process that would come up as a 3 matter of course?</p> <p>4 A. Well, it was a low-solid adhesive, 5 relatively. It was about 32 percent, somewhere in 6 there, 35 percent solids, primarily in hexane, maybe 7 with a little lactol in it, and it's a pretty hot 8 solvent. It's a low-boiling solvent. So it has a 9 tendency to create, depending on the air flows and 10 how it goes into the oxidizer, to create spikes as 11 the VOCs go in, because they do kind of combine with 12 the reaction time of the burner, keeping the 13 incinerator at 1400 degrees, and all of a sudden you 14 get a slug of solvent coming in that adds more heat, 15 and I think the reaction time between the burner 16 slowing down and the slug of solvent coming in made 17 for an irregular flow. Do you follow what I'm 18 saying?</p> <p>19 Q. Yes.</p> <p>20 MR. WALKO: Mark this as the next 21 exhibit.</p> <p>22 (Marked, Exhibit 184, proposal letter, 23 January 18, 1991.)</p> <p>24 Q. I'm going to show you a document that's</p>
<p>143</p> <p>1 specifics. I don't have anything documented in 2 terms of that.</p> <p>3 Q. What was your general recollection of what 4 they told you as to what happened or led to the 5 incident?</p> <p>6 A. Well, it was a buildup of fumes that 7 prematurely ignited before they could be exhausted, 8 and that's what caused the incident. But, again, 9 specifics as to what switch was in what position at 10 what time and who was where, I'm vague.</p> <p>11 Q. Did they ever mention to you whether they 12 had a theory about the source of the ignition?</p> <p>13 A. They may have, but I don't remember it. I 14 don't.</p> <p>15 Q. The fumes that were -- do you recall what 16 product was being used on the night of the incident?</p> <p>17 A. Yes.</p> <p>18 Q. What was that?</p> <p>19 A. It was a 7 mil or 7.5 low-density 20 polyethylene film coated with, I think 1.5 mils of a 21 rubber-based adhesive, 36 yards long, 3-inch core. 22 I remember generic descriptions better than titles.</p> <p>23 Q. Did the adhesive that was used in 24 manufacturing that product to your knowledge prior</p>	<p>145</p> <p>1 marked as Exhibit 184 -- it's comprised of WPS 4, 5, 2 6, 6A, 7, 8, 9, and 10 -- and ask you if you've seen 3 a copy of that document before?</p> <p>4 A. Yeah. I think this is one of the ones I 5 had a copy of.</p> <p>6 Q. No. In fact, it is labeled with WPS 7 numbers, so it means it came from Wolverine Procter 8 & Schwartz's files, but I'll see if I can find your 9 copy of the same.</p> <p>10 (Pause.)</p> <p>11 Q. Do you recognize that document?</p> <p>12 A. I believe so.</p> <p>13 MR. WALKO: I'll have this marked as the 14 next exhibit. It's WILB 232 through 236.</p> <p>15 (Marked, Exhibit 185, proposal letter, 16 January 18, 1991.)</p> <p>17 Q. Mr. Wilbur, when you received proposals 18 from Wolverine, did they come on bond paper? Do you 19 know what I mean by "bond"?</p> <p>20 A. Specifically, no.</p> <p>21 Q. Was there a -- where it has the logo, was 22 it a color when you received the proposals?</p> <p>23 A. In the mail, yes, I believe it was.</p> <p>24 Obviously, the fax copies would look like this.</p>

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1 Q. And I'm showing you Exhibit No. 185. As I
 2 identified it, this is a copy of a document produced
 3 from your files. It doesn't have a cover letter as
 4 Exhibit 184 has, but if you look at the second page
 5 of Exhibit 84 and compare it to the first page of
 6 Exhibit 85 -- I guess the third page. I'm sorry.

7 MS. LONG: It's 185 and 184.

8 Q. Exhibit 185.

9 A. OK.

10 Q. You see the same date?

11 A. Yes.

12 Q. And at the bottom of that exhibit, the one
 13 that says WPS 6 --

14 A. Yes.

15 Q. -- you see some small print at the bottom
 16 of that page?

17 A. This page?

18 Q. Yes.

19 A. Yes.

20 Q. The proposal page.

21 A. Yes.

22 Q. Could you read that for me for the record?

23 A. "All orders based on this quotation are
 24 subject to acceptance by Wolverine Corporation. The

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1 A. No. I wouldn't have.

2 MR. WALKO: I'll have these marked as
 3 the next exhibits.

4 (Marked, Exhibit 186, letter, January
 5 22, 1991.)

6 (Marked, Exhibit 187, letter, January
 7 22, 1991.)

8 Q. I'm going to show you what's been marked as
 9 Exhibit 186, which has WPS numbers 39, 39A, 40, 41,
 10 42, and 43, and an exhibit marked 187, which has
 11 identification number WILB 224 through 229. First
 12 looking at Exhibit 186, do you recognize that?

13 A. Specifically, no, but I mean, I know I did
 14 receive quotations for this.

15 Q. Do you recall, in comparing 186 to 184, was
 16 there a revision in the thermal oxidizer proposal
 17 that was submitted to Patco by Wolverine?

18 A. A reduction in price.

19 Q. There are different dates on the two
 20 exhibits, correct?

21 A. Correct. One is January 18, 1991 and one
 22 is January 22, 1991.

23 Q. And --

24 A. The terms are different. The payment terms

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1 conditions on the reverse side form a part of this
 2 quotation."

3 Q. Were there conditions on the reverse side,
 4 if you recall, of the proposals that you received
 5 from Wolverine?

6 A. Probably. If they're on the reverse, as a
 7 matter of course, they were probably there. I don't
 8 remember reading them specifically.

9 Q. As a business practice, did you have a
 10 practice of ever reading through the small print on
 11 proposals that you would receive?

12 A. I would usually review them, scan them just
 13 to see if there was anything that glared out at me
 14 in terms of performance of the contract and delivery
 15 times, and if the machine didn't operate correctly,
 16 et cetera, and that's really what I focused on.

17 Q. And if there was a problem with those small
 18 print terms, would you go back to the proposer and
 19 bring up your concerns with that business?

20 A. I would think so if I saw something that...

21 Q. Do you recall if you ever had any
 22 discussions with Eric Long at Wolverine or anyone
 23 else at Wolverine about the small print terms of the
 24 proposals?

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1 are different. Go ahead.

2 Q. Do you recall in general -- obviously we
 3 can go through and compare the difference in
 4 language -- but just from your general memory
 5 sitting here, do you recall why Patco was looking
 6 for a revised proposal initially?

7 A. It may have been, just looking at it
 8 briefly, it may have been the terms. I was looking
 9 for easier payment terms so the cash flow would be
 10 easier to handle, I think. I'm not sure what else.

11 (Marked, Exhibit 188, Wolverine heat
 12 recovery system.)

13 Q. I'm going to show you an exhibit marked
 14 188. It has a date of November 29, 1993. It's WPS
 15 numbers 116, 117, 118, 119, 119A, 120, 121, 122,
 16 123, and 124, and ask if you recognize that?

17 A. I remember something, yes, like this.

18 Q. And in general, what was it?

19 A. A quotation for the Wolverine heat recovery
 20 system.

21 Q. And what year was that?

22 A. The date is November 29, 1993.

23 Q. So a couple of years after the quotation on
 24 the thermal oxidizer. Is that fair?

WILLIAM B. WILBUR
SIGNATURE PAGE/ERRATA SHEET

<u>PAGE:LINE</u>	<u>CHANGE OR CORRECTION AND REASON</u>
(1) 11:21	He was a consultant and a member of the board of directors.
(2) 25:1	The real estate was purchased by Xenolith, Inc. All of the stock of Xenolith, Inc. was owned by William B. Wilbur.
(3) 29:18	Not "...statistics...". Should be "...statics..."
(4) 31:2	Not "...moveability...". Should be "...removability..."
(5) 50:8	The polyester/cotton belt was attached together by a metal clip that was in a zipper type configuration and was approximately 1.50" to 2.00" wide.
(6) 52:11	"...could cause a fire or an explosion of some sort." Delete 52:12.
(7) 53:3	"...onto..." not "...into..." the conveyor belt.
(8) 53:23	Delete the word "...oven..."
(9) 54:14-54:18	Delete these lines. Insert: " I can't remember where it was mounted".
(10) 55:23	Delete this line. Insert: "...that was ducted to the vacuum section of the vacuum drawdown belt." "My memory is not clear on the exact configuration of this connection." Insert: " The documents were kept at my home for a short period of time after I left PATCO until I moved them into an office space that I rented."
(11) 63:8	Delete "They would put X amount of tons...". Insert "They would allow us to emit X amount of tons..."
(12) 67:23-67:24	Delete "...we removed...". Insert "...we made..."
(13) 73:6	Delete 123:17-123:22. Insert " We did not want a large open space from the floor to the point on the oven where the conveyor belt entered the oven so we installed a section of sheet metal, I believe, to cover this space, with just a very narrow gap in it, as I remember it, that allowed the conveyor belt to reenter the oven."
(14) 123:17-123:22	Delete "...hey, contact them.". Insert "...we would contact them.".
(15) 138:11	

I have read the foregoing transcript of my deposition taken on November 14, 2003. Except for any corrections or changes noted above I hereby subscribe to the transcript as an accurate record of the statements made by me

Signed under the pains and penalties of perjury


WILLIAM B. WILBUR

Date December 19, 2003

Melinda G. Dreher 12/19/03

NOTARY

Expiration 11/9/04